

2011 DRAFTING REQUEST

Bill

Received: **01/29/2011**

Received By: **pgrant**

Wanted: **As time permits**

Companion to LRB:

For: **Administration-Budget**

By/Representing: **Hanle**

May Contact:

Drafter: **pgrant**

Subject: **Education - school finance**

Addl. Drafters:

Extra Copies: **TKK**

Submit via email: **NO**

Pre Topic:

DOA:.....Hanle, BB0274 -

Topic:

Eliminate selected categorical aids

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	pgrant 01/29/2011	csicilia 02/07/2011		_____			S&L
/1			mduchek 02/08/2011	_____	lparisi 02/08/2011		

FE Sent For:

<END>

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/?	pgrant	Tjs 2/7/11	[Signature]	[Signature]			

FE Sent For:

<END>

Grant, Peter

From: Hanaman, Cathlene
Sent: Saturday, January 29, 2011 3:50 PM
To: Grant, Peter; Kuczenski, Tracy
Subject: FW: Statutory Language Drafting Request

From: DOADLBASADMININTERNETSHAREPOINT@WI.GOV
[mailto:DOADLBASADMININTERNETSHAREPOINT@WI.GOV]
Sent: Saturday, January 29, 2011 3:49 PM
To: Hanaman, Cathlene
Cc: Hetzel, Shayna - DOA; Thornton, Scott - DOA; Hanle, Bob - DOA; Hanle, Bob - DOA
Subject: Statutory Language Drafting Request

Topic: Repeal selected categoricals

Tracking Code: BB0274

SBO Team: ECF

SBO Analyst: Hanle, Bob - DOA
Phone: (608) 266-1037
E-mail: Bob.Hanle@Wisconsin.gov

Agency Acronym: DPI

Agency Number: 255

Priority: Medium

Intent:

Repeal the categorical aid appropriations included in DPI's Every Child a Graduate initiative (except for supplemental special education aid, 20.255(2)(be)) without creating the new initiative:

~~20.255(2)(do)~~ Grants for Preschool to grade 5

~~20.255(2)(cf)~~ Alternative education grants

~~20.255(2)(dm)~~ AODA prevention grants

~~20.255(2)(bc)~~ Children-at-risk programs

~~20.255(2)(dL)~~ Grants for nursing services

~~20.255(2)(ad)~~ Supplemental aid

✓ 20.255(2)(ce) English for SE Asian children

✓ 20.255(2)(fw) Grants for AP courses

✓ 20.255(2)(fz) STEM grants

Attachments: False

Grant, Peter

From: Hanaman, Cathlene
Sent: Saturday, February 05, 2011 3:46 PM
To: Grant, Peter; Kuczenski, Tracy
Subject: FW: Statutory Language Drafting Request

From: DOADLBASADMININTERNETSHAREPOINT@WI.GOV
[mailto:DOADLBASADMININTERNETSHAREPOINT@WI.GOV]
Sent: Saturday, February 05, 2011 3:33 PM
To: Hanaman, Cathlene
Cc: Hetzel, Shayna - DOA; Thornton, Scott - DOA; Hanle, Bob - DOA; Hanle, Bob - DOA
Subject: Statutory Language Drafting Request

Topic: Categorical Aids Repeal

Tracking Code: BB0326

SBO Team: ECF

SBO Analyst: Hanle, Bob - DOA
Phone: (608) 266-1037
E-mail: Bob.Hanle@Wisconsin.gov

Agency Acronym: DPI

Agency Number: 255

Priority: High

Intent:
Similar to LRB 0881, but with the following modifications (basically implement the repeals without the new initiative):

- * Delete the Every Child a Graduate Initiative
- * Amend the phase out of the Alternative Education Grant program to be fully repealed in the bill as with the other aid programs.
- *Do not repeal s. 20.255(2)(be), Supplemental Special Education Grants program.
- *Do not include Section 48 of LRB 0881

Attachments: False

2/7/2011

Grant, Peter

From: Hanaman, Cathlene
Sent: Monday, February 07, 2011 8:49 AM
To: Kuczenski, Tracy; Grant, Peter
Subject: FW: Statutory Language Drafting Request

From: DOADLBASADMININTERNETSHAREPOINT@WI.GOV
[mailto:DOADLBASADMININTERNETSHAREPOINT@WI.GOV]
Sent: Saturday, February 05, 2011 4:05 PM
To: Hanaman, Cathlene
Cc: Hetzel, Shayna - DOA; Thornton, Scott - DOA; Hanle, Bob - DOA; Hanle, Bob - DOA
Subject: Statutory Language Drafting Request

Topic: Pupil Achievement Grants

Tracking Code: BB0328

SBO Team: ECF

SBO Analyst: Hanle, Bob - DOA
Phone: (608) 266-1037
E-mail: Bob.Hanle@Wisconsin.gov

Agency Acronym: DPI

Agency Number: 255

Priority: High

Intent:
The intent is to amend request BB0326 to add the repeal of Grants for Improving Pupil Academic Achievement under s. 20.255(2)(df) and s. 119.245.

Attachments: False

2/7/2011



State of Wisconsin
2011 - 2012 LEGISLATURE



LRB-088171

PG:cjs:jf

Eliminate selected ^{stays}

LRB-12131

DOA:.....Hynick, BB0196 - "~~Fair Funding~~" categorical aid ^{changes}

At: j's

FOR 2011-13 BUDGET — NOT READY FOR INTRODUCTION

SN

do NOT gen

1 AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau
EDUCATION

PRIMARY AND SECONDARY EDUCATION

Effective July 1, 2012, this bill eliminates a number of categorical school aid programs, including the Preschool to Grade 5 Program, grants for alcohol and other drug abuse prevention and intervention programs, the Children at Risk Program, ~~supplemental special education aid~~, grants for nursing services, supplemental aid, grants for advanced placement courses, grants for English instruction for Southeast Asian children, ~~and~~ grants for science, technology, engineering, and mathematics (STEM) programs. ~~The bill also phases out~~ grants for alternative education programs. The bill creates a new categorical aid program, the Every Child a Graduate Program. Under the bill, DPI must begin awarding 5-year grants in the 2012-13 school year to those school districts that have a 3-year average graduation rate that ranks in the lowest 5 percent of all school districts, a 3-year average dropout rate that ranks in the highest 5 percent of all school districts, or a 3-year average number of dropouts that ranks in the highest 5 percent of all school districts.

The bill also provides that a school district receiving a preschool to grade 5 grant in the 2011-12 school year is eligible for a Student Achievement Guarantee in Education (SAGE) contract with DPI beginning in the 2012-13 school year.

grants to Milwaukee Public Schools for improving pupil academic achievement
↑ and

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 13.101 (6) (a) of the statutes is amended to read:

2 13.101 **(6)** (a) As an emergency measure necessitated by decreased state
3 revenues and to prevent the necessity for a state tax on general property, the
4 committee may reduce any appropriation made to any board, commission,
5 department, or the University of Wisconsin System, or to any other state agency or
6 activity, by such amount as it deems feasible, not exceeding 25% of the
7 appropriations, except appropriations made by ss. 20.255 (2) (ac), ~~(be)~~, (bh), (cg), and
8 (cr), 20.395 (1), (2) (cq), (eq) to (ex) and (gq) to (gx), (3), (4) (aq) to (ax), and (6) (af),
9 (aq), (ar), and (au), 20.435 (7) (a) and (da), and 20.437 (2) (a) and (dz) or for forestry
10 purposes under s. 20.370 (1), or any other moneys distributed to any county, city,
11 village, town, or school district. Appropriations of receipts and of a sum sufficient
12 shall for the purposes of this section be regarded as equivalent to the amounts
13 expended under such appropriations in the prior fiscal year which ended June 30.
14 All functions of said state agencies shall be continued in an efficient manner, but
15 because of the uncertainties of the existing situation no public funds should be
16 expended or obligations incurred unless there shall be adequate revenues to meet the
17 expenditures therefor. For such reason the committee may make reductions of such
18 appropriations as in its judgment will secure sound financial operations of the
19 administration for said state agencies and at the same time interfere least with their
20 services and activities.

21 / **SECTION 2.** 20.255 (2) (ad) of the statutes is repealed.

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

1 / SECTION 3. 20.255 (2) (bc) of the statutes is repealed.

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

2 SECTION 4. 20.255 (2) (be) of the statutes is repealed.

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

3 SECTION 5. 20.255 (2) (bw) of the statutes is created to read:

4 20.255 (2) (bw) *Every child a graduate program.* The amounts in the schedule
5 for grants to school districts under the every child a graduate program under s.
6 115.385.

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

7 / SECTION 6. 20.255 (2) (ce) of the statutes is repealed.

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

8 SECTION 7. 20.255 (2) (cf) of the statutes is ~~amended to read:~~ repealed.

note: bnd

9 20.255 (2) (cf) *Alternative education grants.* The amounts in the schedule for
10 alternative education grants under s. 115.366 and for payments to the Second
11 Chance Partnership under 2005 Wisconsin Act 25, section 9137 (3q). No moneys may
12 be encumbered or expended from this appropriation after June 30, 2015.

13 / SECTION 8. 20.255 (2) (dL) of the statutes is repealed.

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

14 / SECTION 9. 20.255 (2) (dm) of the statutes is repealed.

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

15 / SECTION 10. 20.255 (2) (do) of the statutes is repealed.

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

16 / SECTION 11. 20.255 (2) (fw) of the statutes is repealed.

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

1 **SECTION 12.** 20.255 (2) (fz) of the statutes is repealed.

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

2 **SECTION 13.** 38.40 (4m) (a) of the statutes is amended to read:

3 38.40 **(4m)** (a) The board may approve an innovative school-to-work program
4 provided by a nonprofit organization for children at risk, as defined in s. ~~118.153 (1)~~
5 ~~(a) 115.001 (1m)~~, in a county having a population of 500,000 or more to assist those
6 children at risk in acquiring employability skills and occupational-specific
7 competencies before leaving high school. If the board approves a program under this
8 paragraph, the board may award a grant, from the appropriation under s. 20.292 (1)
9 (ef), to the nonprofit organization providing the program and the nonprofit
10 organization shall use the funds received under the grant to provide the program.

11 **SECTION 14.** 48.345 (12) (a) 1. of the statutes is amended to read:

12 48.345 **(12)** (a) 1. A nonresidential educational program, ~~including a program~~
13 ~~for children at risk under s. 118.153~~, provided by the school district in which the child
14 resides.

15 **SECTION 15.** 48.487 (4m) (a) 2. of the statutes is amended to read:

16 48.487 **(4m)** (a) 2. "Dropout" has the meaning given under s. ~~118.153 (1) (b)~~
17 115.001 (2m).

18 **SECTION 16.** 49.26 (1) (g) 12. of the statutes is repealed.

19 **SECTION 17.** 49.26 (1) (gm) 1. c. of the statutes is amended to read:

20 49.26 **(1)** (gm) 1. c. Dropouts, as defined in s. ~~118.153 (1) (b)~~ 115.001 (2m),
21 including individuals who were dropouts and reenrolled in school in the same or
22 immediately succeeding semester in which they dropped out of school.

1 **SECTION 18.** 115.28 (24) of the statutes is amended to read:

2 115.28 **(24)** PRIORITY IN AWARDING GRANTS. Give priority in awarding grants to
3 school boards under ~~ss. s.~~ 115.36 ~~and 115.361~~, and in awarding grants from federal
4 funds received under 20 USC 2301 to 2471, 20 USC 4601 to 4665 and 29 USC 2862
5 (b) (1) (B), to programs that provide more than one of the educational services
6 specified under s. 115.36, ~~115.361~~, 115.915, 118.01 (2) (d) 7. or 8. ~~or 118.153~~ or 20 USC
7 2301 to 2471, 20 USC 4601 to 4665 or 29 USC 2862 (b) (1) (B).

8 **SECTION 19.** 115.28 (35) of the statutes is repealed.

9 **SECTION 20.** 115.28 (39) of the statutes is amended to read:

10 115.28 **(39)** ALCOHOL AND OTHER DRUG ABUSE REPORT. ~~By July 1, 1998, and~~
11 ~~biennially~~ Biennially by July 1 ~~thereafter~~, evaluate the effectiveness of the programs
12 under ~~ss. s.~~ 115.36 ~~and 115.361~~ and submit a report to the legislature under s. 13.172
13 (2). ~~To satisfy this reporting requirement as it pertains to s. 115.361, the department~~
14 ~~may incorporate into the report under this subsection the report required under s.~~
15 ~~115.361 (2).~~

16 **SECTION 21.** 115.28 (45) of the statutes is repealed.

17 **SECTION 22.** 115.28 (46) of the statutes is repealed.

18 **SECTION 23.** 115.28 (47) of the statutes is repealed.

19 **SECTION 24.** 115.31 (1) (b) of the statutes is amended to read:

20 115.31 **(1)** (b) "Educational agency" means a school district, cooperative
21 educational service agency, state correctional institution under s. 302.01, juvenile
22 correctional facility, as defined in s. 938.02 (10p), secured residential care center for
23 children and youth, as defined in s. 938.02 (15g), the Wisconsin Center for the Blind
24 and Visually Impaired, the Wisconsin Educational Services Program for the Deaf
25 and Hard of Hearing, the Mendota Mental Health Institute, the Winnebago Mental

1 Health Institute, a state center for the developmentally disabled, or a private school,
2 ~~or a private, nonprofit, nonsectarian agency under contract with a school board~~
3 ~~under s. 118.153 (3) (c).~~

4 SECTION 25. 115.361 of the statutes is repealed.

5 *fix component* → SECTION 26. 115.366 ~~(1m)~~ of the statutes is ~~created to read~~ repealed. X

6 ~~115.366 (1m) No initial grant may be awarded under this section after June~~
7 ~~30, 2011.~~ X

8 SECTION 27. 115.385 of the statutes is created to read: X

9 **115.385 Every child a graduate program. (1)** The school board of any
10 school district that satisfies one or more of the following criteria may apply to the
11 department for a 5-year every child a graduate grant:

12 (a) The school district's average graduation rate in the 3 previous school years
13 ranks in the lowest 5 percent of all school districts.

14 (b) The school district's average dropout rate in the 3 previous school years
15 ranks in the highest 5 percent of all school districts.

16 (c) The school district's average number of dropouts in the 3 previous school
17 years ranks in the highest 5 percent of all school districts.

18 (2) The department may award a grant to a school district under this section
19 only if the school district will use the funds to pursue a school-district-designed
20 strategy to significantly increase the school district's graduation rate or reduce the
21 school district's dropout rate or number of dropouts.

22 (3) (a) Annually, a school board awarded a grant under this section shall report
23 to the department all of the following:

24 1. The school district's graduation and dropout rates and its number of
25 dropouts, disaggregated by subgroup.

2. Other correlates of academic achievement, including the number of pupils passing core courses and earning credits toward graduation, attendance rates, and expulsion and suspension rates.

(b) The department may adjust the amount of a school district's grant awarded in the 2nd to 5th school years based upon the information in the school district's report in par. (a).

(4) The department shall award grants under this section, beginning in the 2012-13 school year, from the appropriation under s. 20.255 (2) (bw).

(5) The department shall promulgate rules to implement and administer this section.

SECTION 28. 115.435 of the statutes is repealed.

SECTION 29. 115.45 of the statutes is repealed.

~~**SECTION 30.** 115.881 (4) of the statutes is repealed.~~

~~**SECTION 31.** 115.883 of the statutes is repealed.~~

SECTION 32. 117.15 (6) of the statutes is amended to read:

117.15 (6) The socioeconomic level and racial composition of the pupils who reside or will reside in territory proposed to be detached from one school district and attached to an adjoining school district, in territory proposed to be included in a new school district under s. 117.105 or in school districts proposed to be consolidated or in a school district proposed to be dissolved; the proportion of the pupils who reside in such territory who are children at risk, as defined under s. 118.153 (1) (a); and the effect that the pupils described in this paragraph will have on the present and future socioeconomic level and racial composition of the affected school districts and on the proportion of the affected school districts' enrollments that will be children at risk.

SECTION 33. 118.15 (1) (b) of the statutes is amended to read:

1 118.15 (1) (b) Upon the child's request of the school board and with the written
2 approval of the child's parent or guardian, any child who is 16 years of age or over
3 and a child at risk, ~~as defined in s. 118.153 (1) (a)~~, may attend, in lieu of high school
4 or on a part-time basis, a technical college if the child and his or her parent or
5 guardian agree, in writing, that the child will participate in a program leading to the
6 child's high school graduation. The district board of the technical college district in
7 which the child resides shall admit the child. Every technical college district board
8 shall offer day class programs satisfactory to meet the requirements of this
9 paragraph and s. 118.33 (3m) as a condition to the receipt of any state aid.

10 **SECTION 34.** 118.153 (title) and (1) (intro.) of the statutes are repealed.

11 **SECTION 35.** 118.153 (1) (a) of the statutes is renumbered 115.001 (1m).

12 **SECTION 36.** 118.153 (1) (b) of the statutes is renumbered 115.001 (2m).

13 **SECTION 37.** 118.153 (2) to (7) of the statutes are repealed.

14 **SECTION 38.** 118.16 (2) (cg) 2. of the statutes is amended to read:

15 118.16 (2) (cg) 2. A statement that the parent, guardian or child may request
16 program or curriculum modifications for the child under s. 118.15 (1) (d) ~~and that the~~
17 ~~child may be eligible for enrollment in a program for children at risk under s. 118.153~~
18 ~~(3).~~

19 **SECTION 39.** 118.16 (2m) (a) 2. of the statutes is amended to read:

20 118.16 (2m) (a) 2. An employee of the school district who is directly involved
21 in the provision of a modified program or curriculum under s. 118.15 (1) (d), ~~a~~
22 ~~program for children at risk under s. 118.153~~ or an alternative educational program
23 under s. 119.82 or any other alternative educational program to children who attend
24 the school attended by the truant child, if the school district administrator believes
25 that the program or curriculum may be appropriate for the truant child.

1 **SECTION 40.** 118.163 (1) (a) of the statutes is repealed.

2 **SECTION 41.** 118.40 (3) (d) of the statutes is amended to read:

3 118.40 (3) (d) A school board or an entity under sub. (2r) (b) shall give
4 preference in awarding contracts for the operation of charter schools to those charter
5 schools that serve children at risk, ~~as defined in s. 118.153 (1) (a).~~

6 **SECTION 42.** 118.43 (2) (b) (intro.) and 1. of the statutes are consolidated,
7 renumbered 118.43 (2) (b) and amended to read:

8 118.43 (2) (b) In the 1996-97 school year, the school board of an eligible school
9 district may enter into a 5-year achievement guarantee contract with the
10 department on behalf of one school in the school district if all of the following apply:

11 ~~1. In in~~ the previous school year, the school had an enrollment that was at least 30%
12 low-income.

13 **SECTION 43.** 118.43 (2) (b) 2. of the statutes is repealed.

14 **SECTION 44.** 118.43 (2) (bg) (intro.) and 1. of the statutes are consolidated,
15 renumbered 118.43 (2) (bg) and amended to read:

16 118.43 (2) (bg) In the 1998-99 school year, the school board of an eligible school
17 district may enter into a 5-year achievement guarantee contract with the
18 department on behalf of one school in the school district if all of the following apply:

19 ~~1. In in~~ the previous school year, the school had an enrollment that was at least 30%
20 low-income.

21 **SECTION 45.** 118.43 (2) (bg) 2. of the statutes is repealed.

22 **SECTION 46.** 118.43 (2) (br) 2. of the statutes is repealed.

23 **SECTION 47.** 118.43 (2) (bt) 2. of the statutes is repealed.

24 **SECTION 48.** 118.43 (2) (by) of the statutes is created to read:

1 118.43 (2) (bv) In the 2012–13 school year, the school board of a school district
2 that received a grant under s. 115.45, 2009 stats., in the 2011–12 school year may
3 enter into a 5–year achievement guarantee contract with the department on behalf
4 of one or more schools in the school district.

5 **SECTION 49.** 118.43 (2) (g) of the statutes is amended to read:

6 118.43 (2) (g) The department may renew an achievement guarantee contract
7 under pars. (b), (bg), (br), ~~and (bt), and (bv)~~ for one or more terms of 5 school years.
8 Except as provided in sub. (3m), as a condition of receiving payments under a
9 renewal of an achievement guarantee contract, a school board shall maintain the
10 reduction of class size achieved during the last school year of the original
11 achievement guarantee contract for the grades specified for the last school year of the
12 contract.

13 **SECTION 50.** 118.43 (3) (intro.) of the statutes is amended to read:


14 118.43 (3) CONTRACT REQUIREMENTS. (intro.) Except as provided in pars. (am),
15 (ar), ~~and (at), and (av)~~, an achievement guarantee contract shall require the school
16 board to do all of the following in each participating school:

17 **SECTION 51.** 118.43 (3) (av) of the statutes is created to read:

18 118.43 (3) (av) *Class size; additional contracts.* For contracts that begin in the
19 2012–13 school year, reduce each class size to 18 in the following manner:

- 20 1. In the 2012–13 school year, in at least grades kindergarten and one.
21 2. In the 2013–14 school year, in at least grades kindergarten to 2.
22 3. In the 2014–15 to 2016–17 school years, in at least grades kindergarten to
23 3.

24 **SECTION 52.** 118.43 (3m) (b) of the statutes is amended to read:



1 **118.43 (3m)** (b) A school board operating under an achievement guarantee
2 contract entered into under sub. (3) (at) or (av) may combine 2 classes subject to the
3 class size limitation in any school covered by the contract having at least 2 regular
4 classroom teachers when the classes are combined if the combined class size is not
5 greater than 30.

6 **SECTION 53.** 118.43 (6) (b) 11. of the statutes is created to read:

7 118.43 **(6)** (b) 11. In the 2012–13 school year and any subsequent school year,
8 \$2,250 multiplied by the number of low-income pupils enrolled in grades eligible for
9 funding in each school in the school district covered by contracts under sub. (3) (av)
10 and by renewals of contracts under sub. (2) (g). ✓

11 **SECTION 54.** 118.55 (7r) (a) 4. of the statutes is amended to read:

12 118.55 **(7r)** (a) 4. The pupil is not a child at risk, ~~as defined in s. 118.153 (1) (a).~~

13 **SECTION 55.** 119.04 (1) of the statutes is amended to read:

14 119.04 **(1)** Subchapters IV, V and VII of ch. 115, ch. 121 and ss. 66.0235 (3) (c),
15 66.0603 (1m) to (3), 115.01 (1) and (2), 115.28, 115.31, 115.33, 115.34, 115.343,
16 115.345, ~~115.361~~, 115.365 (3), 115.38 (2), 115.445, ~~115.45~~, 118.001 to 118.04, 118.045,
17 118.06, 118.07, 118.075, 118.076, 118.10, 118.12, 118.125 to 118.14, 118.145 (4),
18 118.15, ~~118.153~~, 118.16, 118.162, 118.163, 118.164, 118.18, 118.19, 118.20, 118.225,
19 118.24 (1), (2) (c) to (f), (6), (8), and (10), 118.255, 118.258, 118.291, 118.30 to 118.43,
20 118.46, 118.51, 118.52, 118.55, 120.12 (5) and (15) to (27), 120.125, 120.13 (1), (2) (b)
21 to (g), (3), (14), (17) to (19), (26), (34), (35), (37), (37m), and (38), 120.14, 120.21 (3),
22 and 120.25 are applicable to a 1st class city school district and board.

23 **SECTION 56.** 121.007 of the statutes is amended to read:

24 **121.007 Use of state aid; exemption from execution.** All moneys paid to
25 a school district under s. 20.255 (2) (ac), ~~(be)~~, (cg), and (cr), shall be used by the school

11-22 →

1 district solely for the purposes for which paid. Such moneys are exempt from
2 execution, attachment, garnishment, or other process in favor of creditors, except as
3 to claims for salaries or wages of teachers and other school employees and as to
4 claims for school materials, supplies, fuel, and current repairs.

5 **SECTION 57.** 121.02 (1) (n) of the statutes is repealed.

6 **SECTION 58.** 938.02 (14m) of the statutes is repealed.

7 **SECTION 59.** 938.13 (6m) of the statutes is amended to read:

8 938.13 **(6m)** SCHOOL DROPOUT. The juvenile is a school dropout, as defined in
9 s. ~~118.153 (1) (b)~~ 115.001 (2m).

10 **SECTION 60.** 938.20 (2) (f) 2. of the statutes is amended to read:

11 938.20 **(2)** (f) 2. Make a determination of whether the juvenile is a child at risk,
12 as defined in s. ~~118.153 (1) (a)~~ 115.001 (1m), unless that determination has been
13 made within the current school semester. ~~If a juvenile is determined to be a child at~~
14 ~~risk under this subdivision, the school administrator shall provide a program for the~~
15 ~~juvenile according to the plan developed under s. 118.153 (2) (a).~~

16 **SECTION 61.** 938.245 (2) (a) 4. of the statutes is amended to read:

17 938.245 **(2)** (a) 4. 'Alcohol and other drug abuse treatment and education.' That
18 the juvenile participate in an alcohol and other drug abuse outpatient treatment
19 program, ~~a court-approved pupil assistance program provided by the juvenile's~~
20 ~~school board~~, or a court-approved alcohol or other drug abuse education program, if
21 an alcohol and other drug abuse assessment under subd. 3. recommends outpatient
22 treatment, intervention, or education. ~~The juvenile's participation in a~~
23 ~~court-approved pupil assistance program is subject to the approval of the juvenile's~~
24 ~~school board.~~

25 **SECTION 62.** 938.295 (1g) of the statutes is amended to read:

1 **938.295 (1g)** REPORT OF RESULTS AND RECOMMENDATIONS. If the court orders an
2 alcohol or other drug abuse assessment under sub. (1), the approved treatment
3 facility shall, within 14 days after the order, report the results of the assessment to
4 the court, except that, if requested by the facility and if the juvenile is not held in
5 secure or nonsecure custody, the court may extend the period for assessment for not
6 more than 20 additional working days. The report shall include a recommendation
7 as to whether the juvenile is in need of treatment, intervention, or education relating
8 to the use or abuse of alcohol beverages, controlled substances, or controlled
9 substance analogs and, if so, shall recommend a service plan and appropriate
10 treatment from an approved treatment facility, ~~intervention from a court-approved~~
11 ~~pupil assistance program~~, or education from a court-approved alcohol or other drug
12 abuse education program.

13 **SECTION 63.** 938.32 (1g) (b) of the statutes is amended to read:

14 **938.32 (1g)** (b) That the juvenile participate in ~~a court-approved pupil~~
15 ~~assistance program provided by the juvenile's school board or a court-approved~~
16 alcohol or other drug abuse education program. ~~The juvenile's participation in a~~
17 ~~court-approved pupil assistance program is subject to the approval of the juvenile's~~
18 ~~school board.~~

19 **SECTION 64.** 938.34 (7d) (a) 1. of the statutes is amended to read:

20 **938.34 (7d)** (a) 1. A nonresidential educational program, ~~including a program~~
21 ~~for children at risk under s. 118.153~~, provided by the school district in which the
22 juvenile resides.

23 **SECTION 65.** 938.34 (14s) (b) 3. of the statutes is amended to read:

24 **938.34 (14s)** (b) 3. Participate in ~~a court-approved pupil assistance program~~
25 ~~provided by the juvenile's school board or an alcohol or other drug abuse education~~

1 program. ~~The juvenile's participation in a court-approved pupil assistance program~~
2 ~~under this subdivision is subject to the approval of the juvenile's school board.~~

3 **SECTION 66.** 938.34 (14s) (d) of the statutes is amended to read:

4 938.34 **(14s)** (d) If the juvenile completes the alcohol or other drug abuse
5 treatment program, ~~court-approved pupil assistance program~~ or court-approved
6 alcohol or other drug abuse education program, the approved treatment facility,
7 ~~court-approved pupil assistance program~~ or court-approved alcohol or other drug
8 abuse education program shall, with the written informed consent of the juvenile or,
9 if the juvenile has not attained the age of 12, the written informed consent of the
10 juvenile's parent, notify the agency primarily responsible for providing services to
11 the juvenile that the juvenile has complied with the order and the court shall notify
12 the juvenile of whether or not the original dispositional order will be reinstated.

13 **SECTION 67.** 938.34 (14s) (e) of the statutes is amended to read:

14 938.34 **(14s)** (e) If an approved treatment facility, ~~court-approved pupil~~
15 ~~assistance program~~ or court-approved alcohol or other drug abuse education
16 program, with the written informed consent of the juvenile or, if the juvenile has not
17 attained the age of 12, the written informed consent of the juvenile's parent, notifies
18 the agency primarily responsible for providing services to the juvenile that a juvenile
19 is not participating in, or has not satisfactorily completed, a recommended alcohol
20 or other drug abuse treatment program, ~~a court-approved pupil assistance program~~
21 or a court-approved alcohol or other drug abuse education program, the court shall
22 impose the original disposition under par. (a) or (am).

23 **SECTION 68.** 938.343 (10) (c) of the statutes is amended to read:

24 938.343 **(10)** (c) Participate in ~~a court-approved pupil assistance program~~
25 ~~provided by the juvenile's school board or in a court-approved alcohol or other drug~~

1 abuse education program. ~~The juvenile's participation in a court-approved pupil~~
2 ~~assistance program under this paragraph is subject to the approval of the juvenile's~~
3 ~~school board.~~

4 **SECTION 69.** 938.344 (2g) (a) 3. of the statutes is amended to read:

5 938.344 **(2g)** (a) 3. Participate in ~~a court-approved pupil assistance program~~
6 ~~provided by the juvenile's school board or in a court-approved alcohol or other drug~~
7 ~~abuse education program. The juvenile's participation in a court-approved pupil~~
8 ~~assistance program under this subdivision is subject to the approval of the juvenile's~~
9 ~~school board.~~

10 **SECTION 70.** 938.344 (2g) (c) of the statutes is amended to read:

11 938.344 **(2g)** (c) If the juvenile completes the alcohol or other drug abuse
12 treatment program, ~~court-approved pupil assistance program~~ or court-approved
13 alcohol or other drug abuse education program, the approved treatment facility,
14 ~~court-approved pupil assistance program~~ or court-approved alcohol or other drug
15 abuse education program shall, with the written informed consent of the juvenile or,
16 if the juvenile has not attained the age of 12, the written informed consent of the
17 juvenile's parent, notify the agency primarily responsible for providing services to
18 the juvenile that the juvenile has complied with the order and the court shall notify
19 the juvenile of whether or not the penalty will be reinstated.

20 **SECTION 71.** 938.344 (2g) (d) of the statutes is amended to read:

21 938.344 **(2g)** (d) If an approved treatment facility, ~~court-approved pupil~~
22 ~~assistance program~~, or court-approved alcohol or other drug abuse education
23 program, with the written informed consent of the juvenile or, if the juvenile has not
24 attained the age of 12, the written informed consent of the juvenile's parent, notifies
25 the agency primarily responsible for providing services to the juvenile that a juvenile

1 is not participating, or has not satisfactorily completed, a recommended alcohol or
2 other drug abuse treatment program, ~~a court-approved pupil assistance program,~~
3 or a court-approved alcohol or other drug abuse education program, the court shall
4 hold a hearing to determine whether to impose the penalties under sub. (2), (2b), (2d),
5 or (2e).

6 **SECTION 72.** 938.345 (2) of the statutes is amended to read:

7 938.345 (2) SCHOOL DROPOUTS AND HABITUAL TRUANTS. If the court finds that a
8 juvenile is in need of protection or services based on the fact that the juvenile is a
9 school dropout, as defined in s. ~~118.153 (1) (b)~~ 115.001 (2m), or based on habitual
10 truancy, and the court also finds that the juvenile has dropped out of school or is a
11 habitual truant as a result of the juvenile's intentional refusal to attend school rather
12 than the failure of any other person to comply with s. 118.15 (1) (a) and (am), the
13 court, instead of or in addition to any other disposition imposed under sub. (1), may
14 enter an order permitted under s. 938.342.

15 **SECTION 9437. Effective dates; Public Instruction.**

16 (1) CATEGORICAL AIDS. The treatment of sections 13.101 (6) (a), ~~20.255 (2) (ad),~~
17 (bc), (be), (ce), (dL), (dm), (do), (fw), and (fz), 38.40 (4m) (a), ~~48.345 (12) (a) 1., 48.487~~
18 (4m) (a) 2., 49.26 (1) (g) 12. and (gm) 1. c., 115.28 (24), (35), (39), (45), (46), and (47),
19 115.31 (1) (b), 115.361, 115.435, 115.45, ~~115.881 (4)~~, 115.883, 117.15 (6), 118.15 (1) (b),
20 118.153 (title), (1) (intro.), (a), and ~~(b)~~, and (2) to (7), 118.16 (2) (cg) 2. and (2m) (a)
21 2., 118.163 (1) (a), 118.40 (3) (d), 118.43 (2) (b) (intro.), 1., and 2., (bg) (intro.), 1., and
22 2., (br) 2., and ~~(bt) 2.,~~ 118.55 (7r) (a) 4., 119.04 (1), 121.007, 121.02 (1) (n), 938.02
23 (14m), ~~938.13 (6m),~~ 938.20 (2) (f) 2., 938.245 (2) (a) 4., 938.295 (1g), 938.32 (1g) (b),

1 938.34 (7d) (a) 1. and (14s) (b) 3., (d), and (e), 938.343 (10) (c), 938.344 (2g) (a) 3., (c),
2 and (d), and 938.345 (2) of the statutes takes effect on July 1, 2012.

3 (END)

STATE OF WISCONSIN - LEGISLATIVE REFERENCE BUREAU

LRB

Research (608-266-0341)

Library (608-266-7040)

Legal (608-266-3561)

LRB

3-12

X

94

SEC. #

20.255(2)(df)
RP, w.255(2)(df)

→ note: bud ←

STATE OF WISCONSIN - LEGISLATIVE REFERENCE BUREAU

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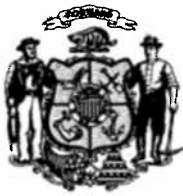
11-22

119.245

(A)

SEC # RP, 119.245

X



State of Wisconsin
2011 - 2012 LEGISLATURE



LRB-1213/1
PG:cjs:md

DOA:.....Hanle, BB0274 - Eliminate selected categorical aids

FOR 2011-13 BUDGET -- NOT READY FOR INTRODUCTION

1 AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau
EDUCATION

PRIMARY AND SECONDARY EDUCATION

Effective July 1, 2012, this bill eliminates a number of categorical school aid programs, including the Preschool to Grade 5 Program, grants for alcohol and other drug abuse prevention and intervention programs, the Children at Risk Program, grants for nursing services, supplemental aid, grants for advanced placement courses, grants for English instruction for Southeast Asian children, grants for science, technology, engineering, and mathematics (STEM) programs, grants to Milwaukee Public Schools for improving pupil academic achievement, and grants for alternative education programs.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

2 **SECTION 1.** 13.101 (6) (a) of the statutes is amended to read:

3 13.101 (6) (a) As an emergency measure necessitated by decreased state
4 revenues and to prevent the necessity for a state tax on general property, the

1 committee may reduce any appropriation made to any board, commission,
2 department, or the University of Wisconsin System, or to any other state agency or
3 activity, by such amount as it deems feasible, not exceeding 25% of the
4 appropriations, except appropriations made by ss. 20.255 (2) (ac), ~~(be)~~, (bh), (cg), and
5 (cr), 20.395 (1), (2) (cq), (eq) to (ex) and (gq) to (gx), (3), (4) (aq) to (ax), and (6) (af),
6 (aq), (ar), and (au), 20.435 (7) (a) and (da), and 20.437 (2) (a) and (dz) or for forestry
7 purposes under s. 20.370 (1), or any other moneys distributed to any county, city,
8 village, town, or school district. Appropriations of receipts and of a sum sufficient
9 shall for the purposes of this section be regarded as equivalent to the amounts
10 expended under such appropriations in the prior fiscal year which ended June 30.
11 All functions of said state agencies shall be continued in an efficient manner, but
12 because of the uncertainties of the existing situation no public funds should be
13 expended or obligations incurred unless there shall be adequate revenues to meet the
14 expenditures therefor. For such reason the committee may make reductions of such
15 appropriations as in its judgment will secure sound financial operations of the
16 administration for said state agencies and at the same time interfere least with their
17 services and activities.

18 **SECTION 2.** 20.255 (2) (ad) of the statutes is repealed.

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

19 **SECTION 3.** 20.255 (2) (bc) of the statutes is repealed.

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

20 **SECTION 4.** 20.255 (2) (ce) of the statutes is repealed.

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

21 **SECTION 5.** 20.255 (2) (cf) of the statutes is repealed.

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

1 **SECTION 6.** 20.255 (2) (df) of the statutes is repealed.

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

2 **SECTION 7.** 20.255 (2) (dL) of the statutes is repealed.

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

3 **SECTION 8.** 20.255 (2) (dm) of the statutes is repealed.

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

4 **SECTION 9.** 20.255 (2) (do) of the statutes is repealed.

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

5 **SECTION 10.** 20.255 (2) (fw) of the statutes is repealed.

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

6 **SECTION 11.** 20.255 (2) (fz) of the statutes is repealed.

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

7 **SECTION 12.** 38.40 (4m) (a) of the statutes is amended to read:

8 38.40 (**4m**) (a) The board may approve an innovative school-to-work program
9 provided by a nonprofit organization for children at risk, as defined in s. ~~118.153 (1)~~
10 (a) 115.001 (1m), in a county having a population of 500,000 or more to assist those
11 children at risk in acquiring employability skills and occupational-specific
12 competencies before leaving high school. If the board approves a program under this
13 paragraph, the board may award a grant, from the appropriation under s. 20.292 (1)
14 (ef), to the nonprofit organization providing the program and the nonprofit
15 organization shall use the funds received under the grant to provide the program.

16 **SECTION 13.** 48.345 (12) (a) 1. of the statutes is amended to read:

1 48.345 (12) (a) 1. A nonresidential educational program, ~~including a program~~
2 ~~for children at risk under s. 118.153~~, provided by the school district in which the child
3 resides.

4 **SECTION 14.** 48.487 (4m) (a) 2. of the statutes is amended to read:

5 48.487 (4m) (a) 2. "Dropout" has the meaning given under s. ~~118.153 (1) (b)~~
6 115.001 (2m).

7 **SECTION 15.** 49.26 (1) (g) 12. of the statutes is repealed.

8 **SECTION 16.** 49.26 (1) (gm) 1. c. of the statutes is amended to read:

9 49.26 (1) (gm) 1. c. Dropouts, as defined in s. ~~118.153 (1) (b)~~ 115.001 (2m),
10 including individuals who were dropouts and reenrolled in school in the same or
11 immediately succeeding semester in which they dropped out of school.

12 **SECTION 17.** 115.28 (24) of the statutes is amended to read:

13 115.28 (24) PRIORITY IN AWARDING GRANTS. Give priority in awarding grants to
14 school boards under ~~ss. s. 115.36 and 115.361~~, and in awarding grants from federal
15 funds received under 20 USC 2301 to 2471, 20 USC 4601 to 4665 and 29 USC 2862
16 (b) (1) (B), to programs that provide more than one of the educational services
17 specified under s. 115.36, ~~115.361~~, 115.915, 118.01 (2) (d) 7. or 8. ~~or 118.153~~ or 20 USC
18 2301 to 2471, 20 USC 4601 to 4665 or 29 USC 2862 (b) (1) (B).

19 **SECTION 18.** 115.28 (35) of the statutes is repealed.

20 **SECTION 19.** 115.28 (39) of the statutes is amended to read:

21 115.28 (39) ALCOHOL AND OTHER DRUG ABUSE REPORT. ~~By July 1, 1998, and~~
22 ~~biennially~~ Biennially by July 1 thereafter, evaluate the effectiveness of the programs
23 under ~~ss. s. 115.36 and 115.361~~ and submit a report to the legislature under s. 13.172
24 (2). ~~To satisfy this reporting requirement as it pertains to s. 115.361, the department~~

1 ~~may incorporate into the report under this subsection the report required under s.~~
2 ~~115.361 (2).~~

3 **SECTION 20.** 115.28 (45) of the statutes is repealed.

4 **SECTION 21.** 115.28 (46) of the statutes is repealed.

5 **SECTION 22.** 115.28 (47) of the statutes is repealed.

6 **SECTION 23.** 115.31 (1) (b) of the statutes is amended to read:

7 115.31 (1) (b) "Educational agency" means a school district, cooperative
8 educational service agency, state correctional institution under s. 302.01, juvenile
9 correctional facility, as defined in s. 938.02 (10p), secured residential care center for
10 children and youth, as defined in s. 938.02 (15g), the Wisconsin Center for the Blind
11 and Visually Impaired, the Wisconsin Educational Services Program for the Deaf
12 and Hard of Hearing, the Mendota Mental Health Institute, the Winnebago Mental
13 Health Institute, a state center for the developmentally disabled, or a private school,
14 ~~or a private, nonprofit, nonsectarian agency under contract with a school board~~
15 ~~under s. 118.153 (3) (e).~~

16 **SECTION 24.** 115.361 of the statutes is repealed.

17 **SECTION 25.** 115.366 of the statutes is repealed.

18 **SECTION 26.** 115.435 of the statutes is repealed.

19 **SECTION 27.** 115.45 of the statutes is repealed.

20 **SECTION 28.** 117.15 (6) of the statutes is amended to read:

21 117.15 (6) The socioeconomic level and racial composition of the pupils who
22 reside or will reside in territory proposed to be detached from one school district and
23 attached to an adjoining school district, in territory proposed to be included in a new
24 school district under s. 117.105 or in school districts proposed to be consolidated or
25 in a school district proposed to be dissolved; the proportion of the pupils who reside

1 in such territory who are children at risk, ~~as defined under s. 118.153 (1) (a)~~; and the
2 effect that the pupils described in this paragraph will have on the present and future
3 socioeconomic level and racial composition of the affected school districts and on the
4 proportion of the affected school districts' enrollments that will be children at risk.

5 **SECTION 29.** 118.15 (1) (b) of the statutes is amended to read:

6 118.15 (1) (b) Upon the child's request of the school board and with the written
7 approval of the child's parent or guardian, any child who is 16 years of age or over
8 and a child at risk, ~~as defined in s. 118.153 (1) (a)~~, may attend, in lieu of high school
9 or on a part-time basis, a technical college if the child and his or her parent or
10 guardian agree, in writing, that the child will participate in a program leading to the
11 child's high school graduation. The district board of the technical college district in
12 which the child resides shall admit the child. Every technical college district board
13 shall offer day class programs satisfactory to meet the requirements of this
14 paragraph and s. 118.33 (3m) as a condition to the receipt of any state aid.

15 **SECTION 30.** 118.153 (title) and (1) (intro.) of the statutes are repealed.

16 **SECTION 31.** 118.153 (1) (a) of the statutes is renumbered 115.001 (1m).

17 **SECTION 32.** 118.153 (1) (b) of the statutes is renumbered 115.001 (2m).

18 **SECTION 33.** 118.153 (2) to (7) of the statutes are repealed.

19 **SECTION 34.** 118.16 (2) (cg) 2. of the statutes is amended to read:

20 118.16 (2) (cg) 2. A statement that the parent, guardian or child may request
21 program or curriculum modifications for the child under s. 118.15 (1) (d) ~~and that the~~
22 ~~child may be eligible for enrollment in a program for children at risk under s. 118.153~~
23 (3).

24 **SECTION 35.** 118.16 (2m) (a) 2. of the statutes is amended to read:

1 118.16 **(2m)** (a) 2. An employee of the school district who is directly involved
2 in the provision of a modified program or curriculum under s. 118.15 (1) (d), ~~a~~
3 ~~program for children at risk under s. 118.153~~ or an alternative educational program
4 under s. 119.82 or any other alternative educational program to children who attend
5 the school attended by the truant child, if the school district administrator believes
6 that the program or curriculum may be appropriate for the truant child.

7 **SECTION 36.** 118.163 (1) (a) of the statutes is repealed.

8 **SECTION 37.** 118.40 (3) (d) of the statutes is amended to read:

9 118.40 **(3)** (d) A school board or an entity under sub. (2r) (b) shall give
10 preference in awarding contracts for the operation of charter schools to those charter
11 schools that serve children at risk, ~~as defined in s. 118.153 (1) (a).~~

12 **SECTION 38.** 118.55 (7r) (a) 4. of the statutes is amended to read:

13 118.55 **(7r)** (a) 4. The pupil is not a child at risk, ~~as defined in s. 118.153 (1) (a).~~

14 **SECTION 39.** 119.04 (1) of the statutes is amended to read:

15 119.04 **(1)** Subchapters IV, V and VII of ch. 115, ch. 121 and ss. 66.0235 (3) (c),
16 66.0603 (1m) to (3), 115.01 (1) and (2), 115.28, 115.31, 115.33, 115.34, 115.343,
17 115.345, ~~115.361~~, 115.365 (3), 115.38 (2), 115.445, ~~115.45~~, 118.001 to 118.04, 118.045,
18 118.06, 118.07, 118.075, 118.076, 118.10, 118.12, 118.125 to 118.14, 118.145 (4),
19 118.15, ~~118.153~~, 118.16, 118.162, 118.163, 118.164, 118.18, 118.19, 118.20, 118.225,
20 118.24 (1), (2) (c) to (f), (6), (8), and (10), 118.255, 118.258, 118.291, 118.30 to 118.43,
21 118.46, 118.51, 118.52, 118.55, 120.12 (5) and (15) to (27), 120.125, 120.13 (1), (2) (b)
22 to (g), (3), (14), (17) to (19), (26), (34), (35), (37), (37m), and (38), 120.14, 120.21 (3),
23 and 120.25 are applicable to a 1st class city school district and board.

24 **SECTION 40.** 119.245 of the statutes is repealed.

25 **SECTION 41.** 121.007 of the statutes is amended to read:

1 **121.007 Use of state aid; exemption from execution.** All moneys paid to
2 a school district under s. 20.255 (2) (ac), ~~(be)~~, (cg), and (cr), shall be used by the school
3 district solely for the purposes for which paid. Such moneys are exempt from
4 execution, attachment, garnishment, or other process in favor of creditors, except as
5 to claims for salaries or wages of teachers and other school employees and as to
6 claims for school materials, supplies, fuel, and current repairs.

7 **SECTION 42.** 121.02 (1) (n) of the statutes is repealed.

8 **SECTION 43.** 938.02 (14m) of the statutes is repealed.

9 **SECTION 44.** 938.13 (6m) of the statutes is amended to read:

10 938.13 **(6m)** SCHOOL DROPOUT. The juvenile is a school dropout, as defined in
11 s. ~~118.153 (1) (b)~~ 115.001 (2m).

12 **SECTION 45.** 938.20 (2) (f) 2. of the statutes is amended to read:

13 938.20 **(2)** (f) 2. Make a determination of whether the juvenile is a child at risk,
14 as defined in s. ~~118.153 (1) (a)~~ 115.001 (1m), unless that determination has been
15 made within the current school semester. ~~If a juvenile is determined to be a child at~~
16 ~~risk under this subdivision, the school administrator shall provide a program for the~~
17 ~~juvenile according to the plan developed under s. 118.153 (2) (a).~~

18 **SECTION 46.** 938.245 (2) (a) 4. of the statutes is amended to read:

19 938.245 **(2)** (a) 4. 'Alcohol and other drug abuse treatment and education.' That
20 the juvenile participate in an alcohol and other drug abuse outpatient treatment
21 program, ~~a court-approved pupil assistance program provided by the juvenile's~~
22 ~~school board,~~ or a court-approved alcohol or other drug abuse education program, if
23 an alcohol and other drug abuse assessment under subd. 3. recommends outpatient
24 treatment, intervention, or education. ~~The juvenile's participation in a~~

1 ~~court-approved pupil assistance program is subject to the approval of the juvenile's~~
2 ~~school board.~~

3 **SECTION 47.** 938.295 (1g) of the statutes is amended to read:

4 938.295 (1g) REPORT OF RESULTS AND RECOMMENDATIONS. If the court orders an
5 alcohol or other drug abuse assessment under sub. (1), the approved treatment
6 facility shall, within 14 days after the order, report the results of the assessment to
7 the court, except that, if requested by the facility and if the juvenile is not held in
8 secure or nonsecure custody, the court may extend the period for assessment for not
9 more than 20 additional working days. The report shall include a recommendation
10 as to whether the juvenile is in need of treatment, intervention, or education relating
11 to the use or abuse of alcohol beverages, controlled substances, or controlled
12 substance analogs and, if so, shall recommend a service plan and appropriate
13 treatment from an approved treatment facility, ~~intervention from a court-approved~~
14 ~~pupil assistance program~~, or education from a court-approved alcohol or other drug
15 abuse education program.

16 **SECTION 48.** 938.32 (1g) (b) of the statutes is amended to read:

17 938.32 (1g) (b) That the juvenile participate in ~~a court-approved pupil~~
18 ~~assistance program provided by the juvenile's school board or a court-approved~~
19 alcohol or other drug abuse education program. ~~The juvenile's participation in a~~
20 ~~court-approved pupil assistance program is subject to the approval of the juvenile's~~
21 ~~school board.~~

22 **SECTION 49.** 938.34 (7d) (a) 1. of the statutes is amended to read:

23 938.34 (7d) (a) 1. A nonresidential educational program, ~~including a program~~
24 ~~for children at risk under s. 118.153~~, provided by the school district in which the
25 juvenile resides.

1 **SECTION 50.** 938.34 (14s) (b) 3. of the statutes is amended to read:

2 938.34 (14s) (b) 3. Participate in ~~a court-approved pupil assistance program~~
3 ~~provided by the juvenile's school board or an alcohol or other drug abuse education~~
4 ~~program. The juvenile's participation in a court-approved pupil assistance program~~
5 ~~under this subdivision is subject to the approval of the juvenile's school board.~~

6 **SECTION 51.** 938.34 (14s) (d) of the statutes is amended to read:

7 938.34 (14s) (d) If the juvenile completes the alcohol or other drug abuse
8 treatment program, ~~court-approved pupil assistance program~~ or court-approved
9 alcohol or other drug abuse education program, the approved treatment facility,
10 ~~court-approved pupil assistance program~~ or court-approved alcohol or other drug
11 abuse education program shall, with the written informed consent of the juvenile or,
12 if the juvenile has not attained the age of 12, the written informed consent of the
13 juvenile's parent, notify the agency primarily responsible for providing services to
14 the juvenile that the juvenile has complied with the order and the court shall notify
15 the juvenile of whether or not the original dispositional order will be reinstated.

16 **SECTION 52.** 938.34 (14s) (e) of the statutes is amended to read:

17 938.34 (14s) (e) If an approved treatment facility, ~~court-approved pupil~~
18 ~~assistance program~~ or court-approved alcohol or other drug abuse education
19 program, with the written informed consent of the juvenile or, if the juvenile has not
20 attained the age of 12, the written informed consent of the juvenile's parent, notifies
21 the agency primarily responsible for providing services to the juvenile that a juvenile
22 is not participating in, or has not satisfactorily completed, a recommended alcohol
23 or other drug abuse treatment program, ~~a court-approved pupil assistance program~~
24 or a court-approved alcohol or other drug abuse education program, the court shall
25 impose the original disposition under par. (a) or (am).

1 **SECTION 53.** 938.343 (10) (c) of the statutes is amended to read:

2 938.343 **(10)** (c) Participate in ~~a court-approved pupil assistance program~~
3 ~~provided by the juvenile's school board or in~~ a court-approved alcohol or other drug
4 abuse education program. ~~The juvenile's participation in a court-approved pupil~~
5 ~~assistance program under this paragraph is subject to the approval of the juvenile's~~
6 ~~school board.~~

7 **SECTION 54.** 938.344 (2g) (a) 3. of the statutes is amended to read:

8 938.344 **(2g)** (a) 3. Participate in ~~a court-approved pupil assistance program~~
9 ~~provided by the juvenile's school board or in~~ a court-approved alcohol or other drug
10 abuse education program. ~~The juvenile's participation in a court-approved pupil~~
11 ~~assistance program under this subdivision is subject to the approval of the juvenile's~~
12 ~~school board.~~

13 **SECTION 55.** 938.344 (2g) (c) of the statutes is amended to read:

14 938.344 **(2g)** (c) If the juvenile completes the alcohol or other drug abuse
15 treatment program, ~~court-approved pupil assistance program~~ or court-approved
16 alcohol or other drug abuse education program, the approved treatment facility,
17 ~~court-approved pupil assistance program~~ or court-approved alcohol or other drug
18 abuse education program shall, with the written informed consent of the juvenile or,
19 if the juvenile has not attained the age of 12, the written informed consent of the
20 juvenile's parent, notify the agency primarily responsible for providing services to
21 the juvenile that the juvenile has complied with the order and the court shall notify
22 the juvenile of whether or not the penalty will be reinstated.

23 **SECTION 56.** 938.344 (2g) (d) of the statutes is amended to read:

24 938.344 **(2g)** (d) If an approved treatment facility, ~~court-approved pupil~~
25 ~~assistance program~~, or court-approved alcohol or other drug abuse education

1 program, with the written informed consent of the juvenile or, if the juvenile has not
2 attained the age of 12, the written informed consent of the juvenile's parent, notifies
3 the agency primarily responsible for providing services to the juvenile that a juvenile
4 is not participating, or has not satisfactorily completed, a recommended alcohol or
5 other drug abuse treatment program, ~~a court-approved pupil assistance program,~~
6 or a court-approved alcohol or other drug abuse education program, the court shall
7 hold a hearing to determine whether to impose the penalties under sub. (2), (2b), (2d),
8 or (2e).

9 **SECTION 57.** 938.345 (2) of the statutes is amended to read:

10 938.345 (2) SCHOOL DROPOUTS AND HABITUAL TRUANTS. If the court finds that a
11 juvenile is in need of protection or services based on the fact that the juvenile is a
12 school dropout, as defined in s. ~~118.153 (1) (b)~~ 115.001 (2m), or based on habitual
13 truancy, and the court also finds that the juvenile has dropped out of school or is a
14 habitual truant as a result of the juvenile's intentional refusal to attend school rather
15 than the failure of any other person to comply with s. 118.15 (1) (a) and (am), the
16 court, instead of or in addition to any other disposition imposed under sub. (1), may
17 enter an order permitted under s. 938.342.

18 (END)